

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

VERONICA BARNES,

Plaintiff,

v.

LINCOLN NATIONAL LIFE INSURANCE
COMPANY, a corporation

Defendant.

Case No. 8:15-cv-00469

(District Court of
Douglas County, Nebraska,
Case No. CI 15-10494)

NOTICE OF REMOVAL

To: Veronica Barnes, her attorneys, and the Clerk of the United States District Court for the District of Nebraska.

Defendant, Lincoln National Life Insurance Company ("Lincoln National"), gives notice of the removal of the above-captioned action from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska. In support of this notice, Lincoln National states and alleges as follows:

1. Plaintiff filed the above-captioned action on December 8, 2015, in the District Court of Douglas County, Nebraska, Case No. CI 15-10494. Lincoln National first received a copy of the Complaint by certified mail no earlier than December 8, 2015. Accordingly, this Notice of Removal is filed pursuant to 28 U.S.C. § 1446 within 30 days of Lincoln National's first receipt of the Complaint.

2. This Court has original jurisdiction over the issues presented in the Complaint pursuant to 28 U.S.C. § 1441(a) and (b) and 28 U.S.C. § 1332. The parties are citizens of different states, and are not citizens of the same state. The Plaintiff is a citizen of the State of Nebraska. The Defendant is a corporation organized and existing pursuant

to laws of the State of Indiana, with its principal place of business in Ft. Wayne, Indiana. The Complaint seeks judgment for unpaid disability insurance benefits for a disability claim filed in August, 2014, and statutory attorney fees pursuant to Neb. Rev. Stat. § 44-359. Accordingly, without admitting or acknowledging the scope or extent of Plaintiff's claim, the allegations of the Complaint serve to place at issue an amount in controversy in this action, exclusive of interest and costs, exceeding the sum of \$75,000.

3. True and correct copies of all process, pleadings, and orders served upon Lincoln National in the state action are attached and incorporated by this reference as Exhibit 1.

4. A true and correct copy of the Notice of Removal that has been mailed for filing with the Clerk of the District Court of Douglas County, Nebraska, is attached and incorporated by reference as Exhibit 2.

WHEREFORE, Lincoln National respectfully provides notice of the removal of this action from the District Court of Lancaster County, Nebraska, to the United States District Court for the District of Nebraska, and prays for such further relief as this Court finds appropriate.

REQUEST FOR PLACE OF TRIAL

Lincoln National respectfully requests that the trial of this action be held in Omaha, Nebraska.

Dated this 29th day of December, 2015.

LINCOLN NATIONAL LIFE INSURANCE
COMPANY, Defendant.

By: s/Steven D. Davidson
Steven D. Davidson (#18684)
of: BAIRD HOLM LLP
1500 Woodmen Tower
Omaha, Nebraska 68102
(402) 344-0500
Its Attorneys

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Greg Abboud
6530 South 84th St.
Omaha, NE 68127

s/Steven D. Davidson

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